

REMARKS

Favorable reconsideration and withdrawal of the objection and rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims Status

Claims 28 through 32, 36 through 39, 41 through 45, 47, and 48 are now pending in the application. Claims 28, 29, 32, 36, 37, 41, 42, 45, and 47 have been amended to even more succinctly define the invention and/or to improve their form. Claim 48 has been added to accord Applicants an additional scope of protection commensurate with the disclosure. It is respectfully submitted that no new matter has been added. Claims 28 and 42 are the only independent claims pending in the application.

Claim Objections

Claims 28 through 32, 36 through 39, 41 through 45, and 47 are objected to because of informalities noted by the Examiner. In response, Claims 28 and 42 have been amended *inter alia* to overcome the objection.

Section 102 Rejection

Claims 28, 36, 37, 39/37/28, 41, 42, 44/42/41, 45, and 47 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kodama, et al.

Section 103 Rejections

Claims 38, 39/38/37/28, 43, and 44/43/42/41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kodama, et al. in view of Hattori, et al.

Claims 28 through 32, 36, 37, 39/37/28, 41, 42, 44/42/41, 45, and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasahara, et al. in view of Kodama, et al.

Claims 38, 39/38/37/28, 43, and 44/43/42/41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasahara, et al. in view of Kodama, et al. and further in view of Hattori, et al.

The rationale underlying each of the foregoing art rejections is succinctly set forth in the Official Action. The rejections are respectfully traversed.

Response to Rejections

Independent Claim 28 is rejected as being anticipated by Kodama, et al. and in the alternative by Kodama, et al. and in the alternative as being obvious over Kasahara, et al. in view of Kodama, et al. and Kodama, et al.

Amended Claim 28 calls for an image forming apparatus that includes an image bearing member; an image forming means for forming a toner image and a toner path image for density detection on the image bearing member; a transfer medium for transferring the toner image onto a transfer medium; a transfer means supplied with a transfer bias for the toner patch image to transfer the toner patch image onto the transfer medium; and a density detecting means for detecting a density of the toner patch image on the transfer medium. An image forming condition by the image forming means is controlled in accordance with an output of the density detecting means. The transfer bias for the toner patch image is changeable in accordance with a density of the toner patch image.

Amended Claim 28 includes the feature that a transfer bias for a toner patch image is changeable in accordance with a density of the toner patch image. According to this feature, an optimum transfer of the toner patch image is accomplished in accordance with the density, so that proper density control is accomplished.

Kodama, et al. discloses an image forming apparatus in which toner patterns are transferred. A transfer current is increased from 0 to 800 A from the top to the end of the paper. However, Kodama, et al. does not disclose or suggest that the transfer bias for toner patch image is changeable in accordance with the density of the toner patch image.

As noted by the Examiner, Kasahara, et al. does not teach that the detection takes place after the toner image for density detection is transferred from said image bearing member to a transfer medium. The Examiner relies on the teaching of Kodama, et al. for teaching this feature.

Applicants submit that Kasahara, et al. also fails to disclose or suggest that the transfer bias for toner patch image is changeable in accordance with the density of the toner patch image.

Amended Claim 42 calls for an image forming apparatus that includes an image bearing member; an image forming means; a transfer medium; a transfer means; and a density detecting means, wherein an image forming condition by the image forming means is controlled in accordance with an output of the density detecting means as recited in amended Claim 28. Claim 42 also calls for an ambient condition detecting means for detecting an ambient condition. The transfer bias for the toner patch image is changeable in accordance with an output of the ambient condition detecting means.

Amended Claim 42 includes the feature that the transfer bias for toner patch image is changeable in accordance with the output of the ambient condition detecting means. This feature is effective to accomplish an optimum image transfer of the toner patch image, so that proper density control is accomplished.

Hattori, et al. is cited in combination with one or both of Kasahara, et al. and Kodama, et al. for disclosing another salient feature of the invention recited in certain dependent claims. Hattori, et al. does not remedy the above-noted deficiencies of Kodama, et al. and Kasahara, et al. *vis-à-vis* the invention recited in the independent claims whether taken individually or in combination.

It is respectfully submitted that Kodama, et al., Kasahara, et al., and Hattori, et al. do not disclose or suggest features of the present invention recited in independent Claims 28 and 42.

It is also respectfully submitted that the combination rejections are not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so. A combination rejection is proper only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine the teachings of the cited art. There is nothing in the cited art which supports the position that it can be combined in the manner suggested. Even if the art could be so combined, the mere fact that the art can be combined is not sufficient if there is no suggestions in the art that such a combination is desirable. For example, see ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

In view of the foregoing, it is respectfully submitted that independent Claims 28 and 42 are allowable over the cited art whether taken individually or in combination.

Dependent Claims

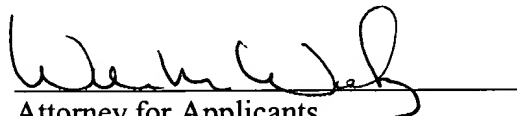
Claims 29 through 32, 36 through 39, 41, 43 through 45, 47, and 48 depend either directly or indirectly from one of Claims 28 and 42 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention. Individual consideration of the dependent claims is respectfully requested.

Closing Comments

It is respectfully submitted that the claims on file are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wannisky', is written over a horizontal line.

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